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PR 93-143

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

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9 FEB 1994

IN REPLY REFER TO:  
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FEB 28 '94  
FEDERAL COMMUNICATIONS  
COMMISSION  
OFFICE OF THE  
SECRETARY

Honorable Dave Durenberger  
United States Senate  
154 Russell Senate Office Building  
Washington, D.C. 20510-2301

Dear Senator Durenberger:

Thank you for your letter dated January 10, 1994, regarding the mandatory registration of Emergency Position Indicating Radiobeacons (EPIRBs) that operate on the frequency 406.025 MHz. Because the Private Radio Bureau is responsible for the administration of the Commission's Aviation and Marine Rules Chairman Hundt has requested that I respond to your letter.

You state that you have a personal interest in this proceeding because of your involvement in the Michael Plant case and you want to make sure that sailors can not embark on a voyage without registering their EPIRBs. Further, you state that "Point of Sale" registration is the only guaranteed way to ensure compliance with mandatory registration and note that the National Oceanic and Atmospheric Administration (NOAA) has contacted EPIRB manufacturers who support Point of Sale registration. Finally, you ask for the pitfalls of mandatory Point of Sale registration.

We agree with your concerns about safety of life at sea for EPIRB owners. In a Notice of Proposed Rule Making (Notice), PR Docket No. 93-143, 8 FCC Rcd 3185 (1993), the Commission proposed mandatory registration for EPIRBs and emergency locator transmitters (ELTs) because it recognized that beacon registration can provide valuable distress information to search and rescue (SAR) personnel concerning the type and size of the aircraft/vessel as well as prevent launching potentially dangerous missions on false distress signals. Additionally, we note that NOAA and the U. S. Coast Guard have been able to achieve a registration rate of approximately 75 per cent of all EPIRBs sold through education of beacon users. We expect this rate to improve with their continued education efforts and full implementation of NOAA's program to issue a registration decal to all registered EPIRB owners.

All commenters to the Notice supported mandatory registration for EPIRBs and ELTs. Several commenters, including NOAA, suggested Point of Sale registration for EPIRBs. As you note, there are benefits to Point of Sale registration. There are, however, some potential drawbacks. For example, marine retailers sell EPIRBs world-wide through mail orders and do not have immediate access to the registration information. Another consideration concerns appropriate procedures for buyers purchasing EPIRBs or ELTs for

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Honorable Dave Durenberger

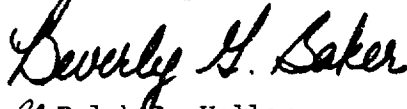
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others as gifts, or persons purchasing EPIRBs or ELTs for boats or aircraft they plan on purchasing at some time in the future. Further, a commercial vessel fleet operator or aircarrier may purchase EPIRBs or ELTs in quantity for future use or as spares and not need to register the EPIRB or ELTs. Finally, requiring Point of Sale registration appears to be outside of the Commission's authority to regulate the sales of transmitters. For example, although the Commission's marketing Rules generally prohibit the sale of transmitters that have not been type accepted, they do not require that the sale of type accepted transmitters be contingent upon having an FCC license or authorization.

All ideas and suggestions regarding Point of Sale registration will be considered fully. We have added your letter to the docket file in this proceeding. Please be assured that the Commission will consider all comments prior to reaching a decision.

I trust this reply is responsive to your inquiry.

Sincerely,

  
for Ralph A. Haller

Chief, Private Radio Bureau

cc: Aviation and Marine  
Chief, SSD  
Chron  
File

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United States Senate  
DAVE DURENBERGER

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January 10, 1994

Case No.: 10222

Director  
U.S. Federal Communications Commissions  
Congressional Liaison Office  
Washington, DC 20554-0000

Dear Director:

I would like to express my interest in the regulations now being formulated which would govern the registration of EPIRBs (Emergency Position Indicating Radiobeacons) by the general public.

With my deep personal involvement in the Michael Plant case, I remain committed to making sure the next sailor does not hurriedly embark on an around the world race without registering his brand new EPIRB.

I can see no other guaranteed way to register these life-saving devices than before they leave the store, by making the "Point of Sale" registration mandatory.

I understand that EPIRB manufacturers have been contacted by NOAA on this idea and the response has been positive.

I hear that work on the new regulations has been completed at staff level and their recommendations are about to be forwarded to the Commission. I am told that these recommendations do not include Point of Sale Registration.

However, I am prepared to offer legislation to this effect, if the final regulations do not include this requirement.

Could you please give me your ideas as to why you are reluctant to require this in your regulations and what you see as the pitfalls.

I look forward to hearing from you in the near future.

Sincerely,

  
Dave Durenberger